

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

December 5, 2006

A special meeting of the Kentucky Board of Respiratory Care was held at 6:00 p.m., at the Crown Plaza Lexington, 1375 Harrodsburg Rd., Lexington, KY on Tuesday, December 5, 2006.

MEMBERS PRESENT

Byron T. Westerfield, M.D., Chair
Klaus O. Becker, Vice-Chair
Anna J. Jones
Pat Fisher
Wade Root
Tami McDaniel

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG

Dr. Westerfield called the meeting to order at 6:15 p.m., in a private dining room at Crown Plaza Lexington, 1375 Harrodsburg Rd., Lexington, KY.

Minutes

Klaus Becker moved to approve the October 16, 2006 minutes; seconded by Tami McDaniel. Motion carried unanimously.

Report from CEU Committee - Continuing Education

Mr. Root advised he had reviewed more than 60 CEU submissions during the past two months--no big programs or anything unusual as well as approval of about 30 audit renewals.

A discussion was held concerning whether people renewing in 2008 could claim carryovers from 2006. Anna Jones advised these folks have two (2) years to get their CEU's and there are free CEU's available. Mrs. Jones stated she could provide free CEU's through a grant she received through Southern KY AHEC/HETC. The Board agreed to approve the designated 2005 CEU carryovers during the **2007** renewal cycle with no future carryovers permitted due to regulatory changes in September 2006.

NBRC Recredentialing Report

Tami McDaniel drafted information regarding NBRC recredentialing changes proposed for July 1, 2007 to post on the KBRC website and publish in our newsletter.

Agreed Orders:

Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 10/16/06

Mrs. Moore reported Mrs. Henderson has signed and returned the Amended Agreed Order. The Amended Agreed Order includes additional language that fortifies the original order and suspends Mrs. Henderson's license for six (6) months from the date Dr. Westerfield signed the Amended Agreed Order. Ms. Lalonde stated that Ms. Henderson will have to work with Brian Fingerson and produce documentation of six months continued sobriety to meet the conditions of her Amended Agreed Order and to be eligible to apply for reinstatement. If she never plugs into Brian Fingerson she will never get a license to practice respiratory care in KY.

Darlene Jackson KY # 4926 – Agreed Order 3/15/05

Mrs. Moore stated we have received documentation that Ms. Jackson is in compliance with the terms of her Agreed Order.

Oliver “Lee” Adkins KY # 4298 –Agreed Order 3/14/06

Mrs. Moore stated we had received documentation that Mr. Adkins is in compliance with the terms of his Agreed Order.

Debra Moore KY # 0339 –Agreed Order 4/20/06

Anna Jones reported Debra Moore is in compliance with the terms of her Agreed Order. Anna Jones will monitor Ms. Moore for six months according to the terms of the Agreed Order.

Katrina A. Baker KY # 0208 – Agreed Order 4/20/06

Mrs. Moore stated we had received documentation from Brian Fingerson that he was somewhat concerned about Ms. Baker. However, Ms. Baker is in compliance with the terms of her Agreed Order at this reporting.

Sharon Barnes KY # 0556 – Agreed Order 5/20/05 & Amendment 8/17/06

Mrs. Moore told the Board that Mr. Fingerson reports that Mrs. Barnes is doing well since she signed her Amended Agreed Order.

Permanent Revocation of Christina Bailey & Matthew Mattes

Christina Bailey sent an email to Mrs. Moore dated November 13, 2006 requesting information on how she could get her license reinstated. Mrs. Moore conferred with Ms. Lalonde and tried to reach Ms. Bailey by email but the email address was cancelled in a matter of 30 minutes. A letter was sent to Ms. Bailey stating her license was permanently revoked in KY on July 24, 2006.

Mrs. Moore reported permanent revocations had been filed with the National Board of Respiratory Care and the HIPDA databanks on Christina Bailey and Matthew Mattes.

Old Business

Northern KY DME Company Review – Tabled

Mr. Root presented an email inquiry from Eugene Willoughby, Director of Business Development with STAT Medical in Wheelersburg, Ohio. Mr. Willoughby was inquiring whether or not his folks needed a KY license regarding tubing change. The Board stated that any patient contact would necessitate a KY license and referred Mr. Willoughby to review the opinion statement posted on the Board's website.

Lonnie Ely Case Pending with Jefferson County Grand Jury Review

Mrs. Moore stated she did not have anything new to report on the Lonnie Ely case. Kathryn Reed, Agent with the Attorney General's office has forwarded the Lonnie Ely case to the Jefferson County Commonwealth's Attorney. Ms. Lalonde stated we could contact David James in the AG's office to check and see if Mrs. Reed was still out on maternity leave. The KBRC is still awaiting the Grand Jury review.

Complaints

Pursuant to KRS 61.810 (1) (c) and (j), Klaus Becker made a motion for the Board to go into closed session to discuss proposed or pending litigation and individual adjudications. The motion was seconded by Anna Jones, and carried unanimously.

Klaus Becker moved to come out of closed session; seconded by Wade Root. Motion carried unanimously.

A. Jan Dillon - KY # 2841

The Board reviewed a complaint against Jan Dillon filed by Southern KY Rehab Hospital. Klaus Becker made a motion to ask our investigator to investigate the first paragraph of the complaint (the second issue in the complaint is outside the Board's jurisdiction at this time) dealing with "clinical and quality control issues"; motion was seconded by Wade Root and carried unanimously.

B. Gina D. Goodman - KY # 4733

The Board reviewed an anonymous complaint against Gina D. Goodman made by telephone. Klaus Becker made a motion to dismiss the complaint against Ms. Goodman without prejudice due to insufficient evidence; motion was seconded by Tami McDaniel and carried unanimously.

C. John Southall - KY # 1409

The Board reviewed a complaint against John Southall filed by an email from Diane Smith. Klaus Becker made a motion to dismiss the complaint against Mr. Southall without prejudice due to insufficient evidence; motion was seconded by Tami McDaniel and carried unanimously.

AARC Reimbursement.

New Business

Lapse of Licensure – James E. Lawson, III

Mrs. Moore presented licensure information from James E. Lawson, III. It was discovered Mr. Lawson worked under his temporary licensure during July 11-November 19, 2006 at the University of Kentucky Medical Center while his “temporary licensure” had lapsed due to passing the CRT exam with the NBRC. Mr. Lawson failed to update his license status after passing the requisite NBRC exam in July 2006, and notification by the Board. A motion was made by Wade Root, and seconded by Klaus Becker, directing legal counsel to draft an Agreed Order including a fine of \$750. The case will be set for a formal hearing if Mr. Lawson does not choose to resolve his case informally. The motion carried unanimously.

FYI – CAPTASA Conference By Brian Fingerson on Addiction & Substance Abuse

Mrs. Moore presented as FYI information on an upcoming 7th Annual CAPTASA Conference on Addiction and Substance Abuse hosted by Brian Fingerson on January 26-27, 2007 at the Embassy Suites in Lexington, KY.

Announcements

The next regular meeting of the KBRC will be held on Thursday, February 8, 2007 at 5:30 p.m., at the KBRC offices, 2624 Research Park Drive, Room, Suite 304, Lexington, KY.

Application Review

A motion was made by Klaus Becker to accept all **30** applications since the last meeting; seconded by Anna Jones. Motion carried unanimously.

The following **Student applications (12)** were approved:

Darrell E. Brackett, Julie C. Donahoe, Leslie L. Ferguson, JoAnna M. Mischke, Lauren E. McDaniel, Selena Mocasque, Tracey L. Neff, Kimberly A. Romes, Elizabeth M. Milam, Esther I. Preston, Natasha A. Hunt, Margaret N. Jackson.

The following **Temporary applications (0)** were approved:

The following **NBRC applications (9)** were approved:

Jamie W. King, James E. Lawson, III, Catherine L. Coltharp, April C. Procter, David W. Read, Amity L. Walton, Alesa J. Wells, Carla L. Groce, Amanada Rice.

The following **Reciprocity applications (9) were** approved:

Sharon R. Bellville, Iketta J. Evans, Linda L. Gribbins, Heather N. Hass, David M. Ledoux, Janis L. Lambert, Teresa A. Lanier, Brian D. Pate, Michelle L. Richardson.

Klaus Becker made a motion to adjourn the meeting at 8:30 p.m.; seconded by Wade Root. Motion carried unanimously.

Dr. B.T. Westerfield, Chair
KY Respiratory Care Board